



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

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| IN THE MATTER OF THE APPLICATION | : | |
| FOR LICENSURE BY EXAMINATION OF | : | Administrative Action |
| | : | |
| KIMBERLY A. VELEZ | : | FINAL ORDER |
| | : | OF DENIAL OF |
| | : | LICENSURE |
| TO PRACTICE NURSING IN THE STATE OF | : | |
| NEW JERSEY | : | |

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kimberly A. Velez ("the Applicant") submitted an official application for LPN nurse licensure by examination to the Board on or about June 2011. The Applicant also submitted a Certification and Authorization for a Criminal History Background Check. On her application and authorization, the Applicant answered "no" to the questions asking whether she had ever been arrested or convicted. The Applicant also denied the current illegal use of controlled dangerous substances.

2. The results of the Criminal History Background Check revealed that the Applicant had been arrested on November 6, 2001 by members of the Toms River Police Department and charged with

violation N.J.S.A. 2C:20-4A (Theft by Deception). On November 7, 2001, a Judge of the Toms Rives Municipal Court found the Applicant guilty of the charge and assessed four hundred and five dollars (\$405) in fines, fees, and costs.

3. After the Board presented the Applicant with the results of the Criminal History Background Check, the Applicant explained that she had worked in a health care office and allowed a co-worker's family member to receive services without charging them. She failed to disclose the arrest and conviction because they never surfaced on any other criminal history background check that she had undergone.

4. While Ms. Velez's application was still pending, the Board received a report indicating that on or about September 22, 2011, Ms. Velez had tested positive for a Controlled Dangerous Substance during a pre-employment physical at a health care facility where she had applied for a job as a pending LPN. The facility revoked its offer of employment.

5. The Board requested that the Applicant undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program (RAMP). The Applicant participated in RAMP for approximately four months, during which time she had two additional positive drug screens. RAMP recommended further enrollment, monitoring, and treatment, but the Applicant discontinued all participation and withdrew from RAMP.

CONCLUSIONS OF LAW

1. The Board finds that the Applicant, by failing to disclose her arrest and conviction on her application and certification, has engaged in the use or employment of dishonesty or misrepresentation within the intendment of N.J.S.A. 45:1-21(b) and has attempted to obtain a license through deception or misrepresentation within the intendment of N.J.S.A. 45:1-21(a). Additionally, the Applicant's three positive drug screens during the initial pendency of her application indicates that the Applicant was engaged in drug use that was likely to impair her ability to practice nursing with reasonable skill and safety pursuant to N.J.S.A. 45:1-21(1). The Board finds that the Applicant's withdrawal from RAMP after three positive screens demonstrates that the Applicant is incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare pursuant to N.J.S.A. 45:1-21(i).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 3, 2014, provisionally denying the Applicant's application for LPN nurse licensure by examination to practice nursing in the State of New Jersey. A copy of the Order was forwarded to the Applicant by means of both certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless the Applicant

requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting the Applicant's request for modification and reasons therefore.

Although the regular mail was not returned, and the United States Postal Service track and confirm system indicates that the certified mailing of the Provisional Order was delivered, no response has been received to date. The Board found that service had been effected, inasmuch as the mailings had been sent to the Applicant's address as listed on her application. The Board further found that as no material discrepancies had been raised with respect to the findings of fact or conclusions of law, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS, on this 5th day of November, 2014,

ORDERED THAT:

1. Kimberly A. Velez's application for LPN nurse licensure by examination in the State of New Jersey is hereby denied.

2. At or before the time of any reapplication to the New Jersey Board of Nursing, Respondent shall resume participation with RAMP, including another comprehensive mental health and substance abuse evaluation if deemed necessary at the time, shall gain RAMP's

support for licensure, and shall demonstrate that she is fit and competent to practice. Respondent shall otherwise fulfill all application and licensure requirements.

3. Respondent shall bear the cost of the RAMP evaluation, monitoring, and treatment, if deemed necessary.

4. Respondent waives confidentiality as to the contents of any RAMP report and as to the Board's use of any RAMP report in licensing proceedings.

NEW JERSEY STATE BOARD OF NURSING

By: 

Patricia Murphy, PhD, APN
Board President